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FIFTY-SEVENTH LEGISLATURE

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 18, 2004**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Burkett, Gannon, Keough, Little, Malepeai, Marley, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Robbin Tyrrell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Gannon, Malepeai, and Marley were recorded present at this order of business.

February 18, 2004

The JUDICIARY AND RULES Committee reports that **S 1372, S 1373, S 1374, S 1375, S 1376, S 1377, S 1378**, and **SCR 126** have been correctly printed.

DARRINGTON, Chairman

On request by Senator Sorensen, granted by unanimous consent, **SCR 126** was referred to the State Affairs Committee.

S 1372, S 1373, S 1374, S 1375, and **S 1376** were referred to the State Affairs Committee.

S 1377 and **S 1378** were referred to the Finance Committee.

February 17, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 119** was delivered to the Office of the Secretary of State at 10:48 a.m., February 17, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 17, 2004

The EDUCATION Committee reports out **S 1255** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1255 was filed for second reading.

February 17, 2004

The TRANSPORTATION Committee reports out **S 1273** with the recommendation that it do pass.

INGRAM, Chairman

S 1273 was filed for second reading.

February 17, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 546, H 547**, and **H 548** with the recommendation that they do pass.

WILLIAMS, Chairman

H 546, H 547, and **H 548** were filed for second reading.

February 17, 2004

The AGRICULTURAL AFFAIRS Committee reports out **S 1312** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

WILLIAMS, Chairman

There being no objection, **S 1312** was referred to the Fourteenth Order of Business, General Calendar.

February 17, 2004

The FINANCE Committee reports out **S 1377** with the recommendation that it do pass.

CAMERON, Chairman

S 1377 was filed for second reading.

February 17, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Pamela I. Ahrens to the Board of the Public Employee Retirement System of Idaho, term to expire July 1, 2008.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 533, H 484, H 485, H 483, H 486, and H 498** with the recommendation that they do pass.

ANDREASON, Chairman

H 533, H 484, H 485, H 483, H 486, and H 498 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 17, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1219, S 1231

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 17, 2004

Mr. President:

I transmit herewith **H 493, H 494, H 495, H 496, H 497, H 519, H 520, H 607, H 648, H 536, H 549, and HJM 15** which have passed the House.

JUKER, Chief Clerk

H 493, H 494, H 495, H 496, H 497, H 519, H 520, H 607, H 648, H 536, H 549, and HJM 15 were filed for first reading.

February 17, 2004

Mr. President:

I return herewith **S 1223** which has passed the House.

JUKER, Chief Clerk

S 1223 was referred to the Judiciary and Rules Committee for enrolling.

February 17, 2004

Mr. President:

I transmit herewith Enrolled **H 510** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 510** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Gannon, Keough, and Little were recorded present at this order of business.

The President announced that **SCR 124** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, **SCR 124** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 493, H 494, H 495, H 496, and H 497, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 519 and H 520, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 607, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 648, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 536, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 549, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

HJM 15, by Transportation and Defense Committee, was introduced, read at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1295 and S 1296, by Resources and Environment Committee, were read the second time at length and filed for third reading.

S 1365, by Finance Committee, was read the second time at length and filed for third reading.

H 554, by Trail, was read the second time at length and filed for third reading.

S 1269, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1277, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Davis and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett, Geddes. Total - 2.

Total - 35.

Whereupon the President declared **S 1277** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10:15 a.m., Thursday, February 19, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary